

Appl. No. 10/719,263
Atty. Docket No. 9435
Andt. dated January 31, 2006
Reply to Office Action of October 31, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-5 and 7-12 are pending in the present application. No additional claims fee is believed to be due.

Claim 6 has been canceled without prejudice.

Claim 1 has been amended to incorporate claim 6.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §102(b) Over EP 1 064 901 (Wada)

Claims 1 and 7-11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Wada.

With respect to the novelty of claims 1 and 7-11: Applicant respectfully traverses the rejection as Wada fails to disclose or teach a tampon for feminine hygiene which comprises an insertion end, a withdrawal end, a center region, a longitudinal axis, and an outer surface, wherein the tampon is comprised of compressed fibrous material, wherein the outer surface of the tampon comprises a plurality of recessed portions, each of the recessed portions comprises a length dimension and a width dimension; wherein the width dimension varies intermittently as measured along the length dimension.

Wada does not disclose a tampon with an outer surface, which comprises recessed portions, wherein the width dimension varies intermittently as measured along the length of the recessed portion.

Accordingly, the Applicant respectfully submits that claim 1 and its dependent claims 7-11 are novel over Wada and the rejection should be withdrawn.

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Rejection Under 35 U.S.C. §103(a) Over EP 1 064 901 (Wada) in view of 2001/0014348
(Schoelling)

Claims 2-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wada in view of Schoelling.

With respect to claims 2-6 and obviousness: As mentioned above Wada fails to disclose, teach or suggest a tampon for feminine hygiene which comprises an insertion end, a withdrawal end, a center region, a longitudinal axis, and an outer surface, wherein the tampon is comprised of compressed fibrous material, wherein the outer surface of the tampon comprises a plurality of recessed portions, each of the recessed portions comprises a length dimension and a width dimension; wherein the width dimension varies intermittently as measured along the length dimension.

Additionally, the Office Action cites Schoelling alleging that it teaches that recessed portions in the surface area are available for fluid imbibition thus improving absorbency and additionally reducing bypass leakage as the tampon swells and blocks the vaginal canal.

The present invention increases the outer surface area of the tampon by using recessed portions to provide an increased tampon outer surface area for the absorption of fluids. In contrast the tampon of Schoelling is substantially enclosed within a cover of fluid impervious plastic material in the form of a resilient three-dimensional web having a multiplicity of perforations. (Page 1, Paragraph 0014) The cover of Schoelling does not increase the outer surface area of the tampon to provide for increased moisture absorption. Rather it teaches the opposite, in that the outer covering of the tampon is fluid impervious, therefore decreasing the amount of fluid absorbed by the tampon at the outer surface. (Page 1, Par. 0014) The only absorption of fluid by the tampon is at the holes in the fluid impervious plastic material, not the outer covering of fluid impervious plastic material itself. As noted in the Office Action on Page 10, Third Paragraph, "Schoelling is being used for the teaching of controlling absorbency and expandability of a tampon based by selectively controlling fluid flow and absorption of velocity of menses...." This would not motivate or suggest to one of ordinary skill in the art the present invention wherein, "...the topographical feature of the present invention increases greater surface area of the tampon allowing for improved fluid imbibition, thus, providing improved coverage against leakage." (Spec. Page 6, Lines 30-32) Rather, Schoelling

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teaches that restriction of the outer surface absorbency of a tampon through the use of a fluid impervious plastic material layer with holes can lead to desired expansion characteristics, not increased absorption of fluids for the whole outer surface of the tampon.

Further, there is no motivation or suggestion in either reference to one of ordinary skill in the art to combine the cover of fluid impervious plastic material in the form of a resilient three-dimensional web having a multiplicity of perforations of Schoelling with the hydrophobic liquid permeable layer of Wada to provide the present invention.

Accordingly, Applicant respectfully submits that claims 2-6 are non-obvious in view of Wada and Schoelling.

Rejection Under 35 U.S.C. §103(a) Over EP 1 064 901 (Wada) in view of U.S. 6,283,952 (Child et al.)

Claim 12 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Wada in view of Child et al.

With respect to claim 12 and obviousness: Neither Wada nor Child et al. disclose or suggest a tampon for feminine hygiene which comprises an insertion end, a withdrawal end, a center region, a longitudinal axis, and an outer surface, wherein the tampon is comprised of compressed fibrous material, wherein the outer surface of the tampon comprises a plurality of recessed portions, each of the recessed portions comprises a length dimension and a width dimension; wherein the width dimension varies intermittently as measured along the length dimension.

The cited references do not provide any motivation or suggestion to one of ordinary skill in the art to produce a tampon with an outer surface, which comprises recessed portions, wherein the width dimension varies intermittently as measured along the length of the recessed portion.

Accordingly, Applicant respectfully submits that claim 12 is non-obvious in view of Wada and Child et al.

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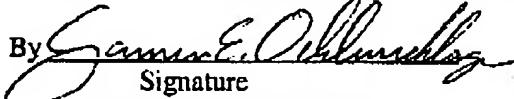
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102 and §103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-5 and 7-11 is respectfully requested.

Respectfully submitted,

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By 

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